

July 20, 2012

Ms. Megan Tooker

Executive Director and Legal Counsel

Iowa Ethics & Campaign Disclosure Board

510 E. 12th Street, 1A

Des Moines, IA 50319

Via Hand Delivery

IA ETHICS AND
CAMPAIGN DISCLOSURE BD.
2012 JUL 20 PM 4:20

Ms. Tooker,

I, John R. Dutcher, APR, a director of the Johnston Community School District elected in September 2009, pursuant to my Oath of Public Office to support the Constitution of the United States and the Constitution of the State of Iowa, do hereby wish to levy the following official complaint against the candidates, groups and organizations listed below, individually and in aggregate, regarding their violations of Iowa Code 68A.102 and 68A.505 pertaining to the use of public resources to expressly advocate on behalf of four candidates for the Sept. 13, 2011 election of directors of the Johnston Community School District:

- Mrs. Jill Morrill of Urbandale, Iowa, then an incumbent and a current director of the district
- Mr. Michael Farrell of Johnston, Iowa, then an incumbent and a current director of the district
- Mrs. Deborah Henry of Johnston, Iowa, now a director of the district
- Mr. Greg Dockum of Johnston, Iowa, now a director of the district
- The elected leaders and membership of the Johnston Education Association (JEA), a local affiliate of the Iowa State Education Association (ISEA).
- Administrators, faculty and staff of the Johnston Community School District, whose names can be found in the e-mails provided in evidence with this letter.

Background:

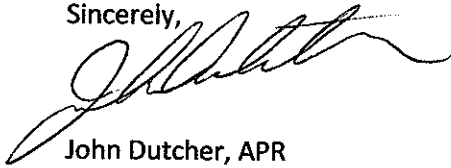
As a result of the Johnston Community School District's reply to an Open Records request I made to the district on June 4, 2012, which was answered on July 5, 2012, I now have in my possession numerous e-mails illustrating the broad use of public resources -- staff and student time during school hours, district equipment, facilities, computers and e-mail by directors of the district, district faculty, staff and administration to expressly advocate (Iowa Code section 68A.102(14) and 351(sub rule 4.53(1)) for the election of Mrs. Morrill, Messrs. Farrell and Dockum, and Mrs. Henry -- four candidates in an election where seven candidates sought four open seats.

I also believe, based upon the evidence presented attached, that further investigation is needed to determine the wider role the Johnston Education Association (JEA) played in the election and how it may or may not have leveraged certain technological assets exclusive to its members to advocate for the election of Morrill, Henry, Farrell and Dockum.

Herein you will find e-mails totaling about 415 pages which provide clear evidence of the activities of the abovementioned parties in violation of the Iowa Code sections listed.

Please let me know if you require additional information in your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Dutcher', with a stylized flourish at the end.

John Dutcher, APR

Director, Johnston Community School District

8109 Hardwicke Drive, Johnston, IA 50131-8756; 515/334-3464 (office)

John.dutcher@johnston.k12.ia.us e-mail

c. Sharon Wright

Iowa Ethics and Campaign Disclosure Board
510 E 12th, Ste 1A Des Moines, IA 50319

Fax: 515-281-4073

Complaint Form

Iowa Code Section 68B.32B

RE: Johnston Community School District Director Election
September 13, 2011
Name of the subject of the complaint

Subject's Address (if known): As per Attached letter
Street Address/Apt Number

City, State, Zip Code, Telephone Number if available
BY: John R. Dufcher APR
Name of Complainant (person filing the complaint)

Complainant's Address: 8109 Hardwicke Drive
Street Address/Apt Number

Johnston, IA 50131-8756 515-334-3464 (C)
City, State, Zip Code, Telephone Number

COMPLETE THE FOLLOWING SECTION OR ATTACH A SEPARATE DOCUMENT CONTAINING THE REQUISITE INFORMATION:

I, John R. Dufcher hereby complain that As per Attached letter
Name of Complainant Subject of Complaint

has committed an act or acts that violate the provisions of Iowa Code Chapter 68A (campaign finance), Chapter 68B (Executive Branch ethics & lobbying) or the Board's administrative rules in that on or about:

August 14 - Sept 14, 2011
List date(s) on which conduct or action(s) took place

the subject of the complaint did the following (recite facts and actions taken that are believed to violate Chapter 68A, Chapter 68B or Administrative Rules adopted by the Board. Please cite the code or rule provision you allege has been violated.) If the space provided is inadequate, please attach additional sheet(s) to this form:

IA ETHICS AND
CAMPAIGN DISCLOSURE BD.

2012 JUL 20 PM 4:51

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

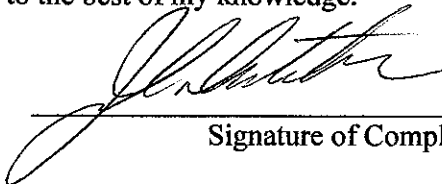
Names and addresses of persons other than yourself who are or may be witnesses to the above described activities:

Documents or other sources of information that relate to or are proof of the violation(s). Attach copies of documents to this form if available:

CERTIFICATION BY COMPLAINANT

Required by Iowa Code section 68B.32B(1)

I certify under penalty of perjury pursuant to the laws of the state of Iowa that the preceding statements are true and correct to the best of my knowledge.

7-20-12 
Date Signature of Complainant

FOR OFFICE USE ONLY

This Complaint has been reviewed by me pursuant to the provisions of Iowa Code section 68B.32B(4). My evaluation of the Complaint to the Board Chairperson is that it:

☐ is legally sufficient ☐ is not legally sufficient.

An evaluation that the complaint is legally sufficient signifies that the complaint has been accepted within the meaning of section 68B.32B(4). Notification to the subject of the complaint is normally made within three working days after this acceptance. Final determination as to whether the complaint is legally sufficient and should be investigated is made by the full Board.

Date Board Legal Counsel